

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 1:19-cr-20464

Plaintiff,

Thomas L. Ludington
United States District Judge

v.

EDWARD DOMINGO PEREZ,

Patricia T. Morris
United States Magistrate Judge

Defendant.

**ORDER OF DETENTION PENDING SUPERVISED RELEASE
VIOLATION HEARING**

I. Procedural background

On February 28, 2020, a Judgment was entered by U.S. District Judge Thomas L. Ludington, committing Defendant to the Bureau of Prisons for a term of months incarceration for 27 months under 18 U.S.C. §§ 113(a)(8); 1151; and 1152 Assault of an Intimate or Dating Partner by Strangulation or Attempted Strangulation. (ECF No. 28.)

On June 26, 2024, Defendant was brought before the court on an initial appearance for an alleged violation of supervised release conditions pursuant to an Order with petition for issuance of warrant and warrant for arrest issued by U.S. District Judge Thomas L. Ludington. (ECF Nos. 31 & 32.)

Defendant was informed of the following rights:

- (1) the right to receive written notice of violation(s) and Defendant acknowledged receipt of the same;
- (2) the right to hearings conducted by the sentencing Judge to determine if Defendant is guilty of the alleged violations;
- (3) the right to retain counsel or to request that counsel be appointed if Defendant cannot afford counsel;

(4) if Defendant is held in custody, the right to a prompt preliminary hearing to determine if probable cause supports the alleged violations under FED. R. CRIM. P. 32.1(a)(3) and (b)(1); Defendant was also informed that this preliminary hearing may be waived.

Counsel for Defendant was appointed and present at the initial appearance and counsel indicated that Defendant desired to waive his preliminary hearing under Rule 32.1(b)(1). Defendant was questioned and confirmed counsel's indications.

II. Detention or release standards

As to detention or release, Rule 32.1(a)(6) provides that the magistrate judge may release or detain the defendant under 18 U.S.C. § 3143(a) (the Bail Reform Act) pending further proceedings.

Under 18 U.S.C. § 3143(a)(1), the court **shall order the defendant be detained unless** persuaded by clear and convincing evidence that the defendant is not likely to flee or pose a danger if released under § 3142(b) or (c). Under FED. R. CRIM. P. 32.1(a)(6) “[t]he burden of establishing that the person will not flee or pose a danger to any person or to the community rests with the person.”

III. Detention findings

In the instant case, Defendant's underlying conviction was for a crime of violence under 18 U.S.C. §§ 3142(f)(1)(A). In addition, the state court charge is also for assault by strangulation or attempted strangulation on an acquaintance. Although Defendant likely does not pose a danger of non-appearance, under the circumstances of the charge recently brought against him for a serious assaultive crime, Defendant cannot meet his burden to show he would not pose a danger if released. For these reasons and those stated on the record, I am not persuaded by clear and convincing evidence that Defendant is not likely to flee or pose a danger if released under § 3142(b) or (c).

IV. Order

I **ORDER** the detention of the defendant without bail pending his supervised release violation hearing on September 12, 2024 at 2:00 p.m. with District Judge Thomas L. Ludington.

Date: June 27, 2024

S/PATRICIA T. MORRIS

Patricia T. Morris

United States Magistrate Judge